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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/478,777	01/06/2000	JOANNE S. WALTER	8998	2149

7590 05/06/2003

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DAYTON, OH 454790001

EXAMINER

BORISSOV, IGOR N

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 05/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/478,777

Applicant(s)

WALTER, JOANNE S.

Examiner

Igor Borissov

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-9,11-17,19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-9,11-17,19 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-8, 9, 12-16, 17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lutz (U. S. 6,155,486) in view of Sato (U. S. 5,949,854).

As per claim 1, 9 and 17,

Lutz teaches apparatus and method for operating a self-service checkout terminal, comprising:

- generating a first voice instruction which instructs a user in regard to operation of the retail terminal (voice generating device generates instruction to guide a customer to scan an item) (column 6, lines 24-29; column 7, lines 26-27),
- determining if said user performs a first activity and generating a proper-response control signal in response thereto (post-scan scale generates an output signal indicative of the weight increase) (column 6, lines 60-66),
- generating a second voice instruction which instructs a user in regard to operation of the retail terminal if a predetermined amount of time lapses subsequent to generation of the first voice instruction, but prior to generation of the proper-response control signal (column 8, lines 61-64; column 9, lines 33-40).

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- determining if said user performs a second activity and generating an improper-response control signal in response thereto (column 6, lines 24 through column 7, line 27);

- generating a third voice instruction which instructs a user in regard to operation of the retail terminal in response to generation of said improper-response control signal (column 8, line 22 through column 9, line 58).

Lutz does not specifically teach to a voice type and voice inflection level of voice instructions.

Sato teaches a voice response service apparatus and method, comprising a tone controller for selecting a tone of the voice responses, and an intonation generating portion for generating the intonation pattern (Abstract; column 9, lines 38-45).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lutz to include a tone selection capability because it would improve the performance of the system by alerting customer of his improper interaction with the system by changing the voice tone and intonation of the instructions.

As per claims 4, 12 and 20, Sato teaches said apparatus and method, comprising a volume controller which sets a volume level of a voice response (Abstract).

As per claims 5, 7, 13 and 15, Sato teaches said apparatus and method, comprising an intonation generating portion which generates the intonation pattern indicating the voice pitch (column 9, lines 38-45).

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As per claims 6, 8, 14 and 16, Sato teaches said apparatus and method, comprising a tone controller wherein voice quality of the voices can be at least one of a male voice and a female voice (Abstract; column 3, lines 9-11).

Claims 3, 11 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lutz and Sato in view of Lutz (US 6,354,498).

As per claims 3, 11 and 19, Lutz and Sato teach all the limitations of claims 3, 11 and 19, except for updating an electronic log value in response to generation of said improper-response control signal, and comparing said electronic log value to a log threshold and generating a personnel-needed control signal.

Lutz (US 6,354,498) teaches an apparatus and method for displaying the status of a self-service checkout terminal, wherein the electronic (suspicion) log value is updated in response to the improper-response signal, and, upon comparing of said electronic log value to a log threshold, a personnel-needed control signal is generated (column 7, line 31 through column 8, line 21).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lutz and Sato to include updating an electronic log value in response to generation of said improper-response control signal, and comparing said electronic log value to a log threshold and generating a personnel-needed control signal because it would enhance the accuracy and security of the system thereby generate more revenue.

***Remarks***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Conclusion***

Any inquiry concerning this communication should be directed to Igor Borissov at telephone number (703) 305-4649.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 308-1113.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Weiss, can be reached at (703) 308- 2702.

Any response to this action should be mailed to:

***Commissioner of Patents and Trademarks  
Washington D.C. 20231***

or faxed to:

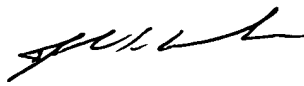
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**(703) 305-7687** [Official communications; including  
After Final communications labeled  
"Box AF"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal  
Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.



**JOHN G. WEISS**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3600**